

FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.7748 of 2004

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Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :
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Mrs.Ranjana Todankar for
Mr.S.S.Pakale for petitioner.
Mr.M.S.Topkar for res.No.1.

**CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.**
DATED : 9th August 2005

P.C. :
1. Heard Mrs.Todankar in
support of this petition.
Mr.Topkar appears for respondent
No.1-Board. He has filed an
affidavit affirmed by the
Personnel Officer of the Board.

2. The petition has three
prayers. The first prayer is to
initiate action against respondent
No.2 - principal employer under
Section 42 of the Security Guards
Scheme for violating various
provisions. The
affidavit-in-reply clearly states
in paragraph 3(f) that on finding

out the contravention of various provisions of the Scheme, the Board has initiated action and filed Criminal Case No.3379 of 2004 at Thane.

3. The second prayer is to register the Security Guards who are listed in Exhibit 'A' to the Petition. Mr.Topkar appearing for respondent No.1-Board points out that already the Board has a surplus of Security Boards. All that can happen is that if the employees concerned apply, they will be kept on the waiting list.

4. The third prayer in the petition is to direct respondent No.2-principal employer to get itself registered. The principal employer is already registered and that is why the action has been initiated by the Board.

5. Mrs.Todankar, learned

Counsel appearing for the petitioner, draws our attention to the order dated 5th November 2004 passed by another Division Bench for discontinuing the employees concerned from service in spite of order of status quo asking the principal employer to show cause.

6. Inasmuch as the Board has taken action for breaches of the provisions of the Scheme, which, in our view, is an appropriate deterrent, we do not think that the action for contempt is called for. Petition is disposed of. Notice discharged.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)